UNITED
NATIONS

A S

General Assembly Security Council

Distr.
GENERAL

A/46/950
S/24319
20 July 1992
ENGLISH
ORIGINAL: ENGLISH/SPANISH

GENERAL ASSEMBLY
Forty-sixth session
Agenda item 37
POLICIES OF APARTHEID OF THE
GOVERNMENT OF SOUTH AFRICA

SECURITY COUNCIL
Forty-seventh year

Letter dated 17 July 1992 from the Permanent Representative of Venezuela to the United Nations addressed to the Secretary-General

I have the honour to enclose herewith the second interim report of the Goldstone Commission of Inquiry regarding the Prevention of Public Violence and Intimidation, published within the framework of the International Hearing on Political Violence in South Africa and the Implementation of the National Peace Accord, which was held in London on 14 and 15 July 1992 (see annex).

We believe that this report helps to increase and deepen awareness of the situation in South Africa, and I should therefore be grateful if you would have this letter and its annex circulated as a document of the General Assembly, under agenda item 37, and of the Security Council.

(Signed) Diego ARRIA
Permanent Representative
of Venezuela

ANNEX

Second interim report of the Goldstone Commission of Inquiry regarding the Prevention of Public Violence and Intimidation

I. INTRODUCTION

1. The Chairman and members of the Commission have been appointed for three years. With regard to the broader issue of public violence and intimidation, the Commission therefore initially expected to have three years within which to report and make substantive recommendations relating to the curbing of violence. However, the significant escalation of violence in recent weeks has caused the Commission to re-evaluate its role and proceedings. It has decided to submit this further interim report now rather than wait for the reports of committees that are now still holding inquiries. In this report, however, the Commission has endeavoured not to anticipate or prejudge any of the disputed matters currently under investigation. The committees still holding inquiries are:

(a) Thokoza;

(b) Involvement of the South African Defence Force;

(c) Taxi and train violence;

(d) Mass demonstrations.

2. With regard to specific incidents of violence, the Commission's approach has been to inquire into paradigm situations where, on the face of it, the symptoms are common to other areas of violence. The Commission has at all times been convinced, and remains so, that factual findings cannot be made against individuals, groups or organizations on the basis of untested evidence. For this reason, the hearings of the Commission and of committees of the Commission have been held in public, and witnesses have been subjected to cross-examination by lawyers representing interested parties. This procedure, by its nature, is cumbersome and time-consuming. The Thokoza committee, for example, has been sitting for four months already and will require some further weeks to complete its public hearings.

3. From the inception of its deliberations, the Commission has held the view that one of its most important functions is to act as a catalyst in the process of transforming the police force into a body that has the confidence, respect and cooperation of the vast majority of the people of South Africa. The committee established to inquire into the policing of mass demonstrations was conceived as the point of entry - the first of a number of inquiries that would investigate and make recommendations on important issues relating to policing in general. If the Commission continues to be immersed in an increasing number of inquiries into incidents of violence, this important function will inevitably be delayed.

4. Then there is the issue concerning the safety of witnesses who testify before the Commission. The murder of the leader of the "Black Cats" in Wesselton and the apparent revenge murder of the mother of a renegade "Black Cat" witness in the same township highlight this problem. These murders took place during the course of the investigation into the "Black Cats" and are therefore likely to severely diminish the willingness of members of the public to come forward and testify.

5. In the above circumstances, a reconsideration of the role and functions of the Commission has become urgent and inevitable. In particular, the Commission has been forced by circumstances to report now on conclusions reached by it at this stage. It would have preferred not to do so at what is clearly a premature juncture in its work. However, the alternative would be to continue inquiring with judicial detachment when urgent steps are required to contain the violence.

6. The Commission, in dealing with the matters contained in this report, makes no apology for doing so at this stage. However, it does request the understanding and appreciation of the entire public of South Africa that a report at this time on these issues is being furnished only some six months after the Commission was established. If the conclusions set out below are flawed, that must be ascribed to incomplete information and the failure by persons or organizations with relevant information to have placed it before the Commission.

II. THE CAUSES OF VIOLENCE

7. The words "third force" have been used by many people in South Africa in many contexts and with no consistent meaning. The phrase has been used frequently with reference to a sinister and secret organization or group that commits acts of violence in furtherance of some nefarious political aim. Then, again, it was recently used by the President of the African National Congress to describe the alleged activities of 32 Battalion, the CCB "hit squads" and the police, i.e. identifiable groups or organizations.

8. The Commission has received no evidence which would suggest that there is a third force of the first type mentioned in paragraph 7, i.e. a sinister and secret organization orchestrating political violence on a wide front. The allegations concerning State institutions are dealt with later in this report.

9. The evidence which thus far has been placed before the Commission indicates rather that the causes of the violence are many and complicated. In historical sequence they include:

(a) The economic, social and political imbalances among the people of South Africa. These are the consequences of three centuries of racial discrimination and over 40 years of an extreme form of racial and economic dislocation in consequence of the policy of apartheid. The consequences of

these policies on the Black people of South Africa are well known and documented. It is not necessary or appropriate even to attempt to set them out in this report;

(b) A police force and army which, for many decades, have been the instruments of oppression by successive White governments in maintaining a society predicated upon racial discrimination. This involves a police force and an army that for the majority of South Africans have not been community based or orientated. For many South Africans, the police and the army are not perceived as fair, objective or friendly institutions;

(c) The unexpected and sudden legalizing of large and predominantly Black-supported political organizations. This must be seen against a background of a lawful and Government-supported Inkatha Freedom Party having been at war with a largely underground African National Congress and its front organizations. With rapid change, the Government, again suddenly and unexpectedly, resolved to negotiate in public and in private with organizations that were perceived, for good reason or bad, as the enemy of Inkatha, of White South Africans and, most important, of the police and army;

(d) For obvious reasons, many already mentioned above, there is a climate of political intolerance, particularly in the Black community. The sudden emergence of powerful national political parties has not resulted in any improvement in the lives of Black South Africans. On the contrary, the deterioration of our economy has, if anything, made all South Africans, and especially those in the lower income groups, economically poorer;

(e) Again, for obvious reasons, the aforegoing factors have created a situation in which violence has found a fertile breeding ground. In particular, it is a situation in which criminal elements within the community have found themselves in a position where the police force is inadequately manned and inadequately motivated. The presence of single-sex hostels and/or squatter settlements in a large number of centres has enabled political groups to set up concentrations of support and arms caches for use in township violence. Similarly, other groups have total control over certain residential areas in Black townships;

(f) As far as political violence is concerned, the Commission has no doubt at all that both African National Congress and Inkatha Freedom Party members and supporters have been guilty of many incidents that have resulted in the deaths of and injuries to large numbers of people. Both organizations have been over-hasty in accusing the other of being the cause of such conduct. Each has been tardy, especially at the level of top leadership, in taking adequate and effective steps to stop the violence by imposing discipline and accountability among its membership. The investigations of the Commission thus far do not enable it to apportion blame, even if that dubious exercise were relevant;

(g) A history over some years of State complicity in undercover activities, which include criminal conduct. Those activities have enabled

critics of the Government and others, fairly or unfairly, to place the blame for much of the current violence at the door of the security forces. That and the well-documented criminal conduct by individual members of the South African Police and the KwaZulu Police exacerbate the perception of so many South Africans that the Government or its agencies are active parties responsible for the violence. As with the political parties referred to above, our recent history has been one in which the Government has failed to take sufficiently firm steps to prevent criminal conduct by members of the security forces and the police and to ensure that the guilty are promptly and adequately punished.

10. It is little wonder, therefore, that the situation of political violence and intimidation in South Africa is so widespread and its causes so many and so complex.

III. STEPS TO CURB VIOLENCE

11. No good purpose will be served by merely conducting further inquiries in order to apportion the blame for past violence. It must be accepted that individual policemen, African National Congress supporters and Inkatha Freedom Party supporters have been guilty of serious criminal conduct in this regard. If we are to curb this violence then all our efforts must be harnessed in creating the means of doing so.

12. The Commission recommends at this stage that the following steps can and should be taken immediately:

(a) The deployment in local communities of an effective police presence, which is able to work in close cooperation with local dispute resolution committees established in terms of the Peace Accord. If they are perceived by the local communities as working with their own representatives, there is some prospect that they will be perceived as a friendly force and will begin to gain communal confidence and support;

(b) The new Division of Internal Stability would appear to be the only suitable branch of the South African Police for such work. This branch should also work in cooperation with justices of the peace as soon as that office has been created in terms of the Peace Accord;

(c) The investigative functions of the Commission will continue to play an important role in relation to the curbing of ongoing violence. In this regard, the Commission should as soon as possible be granted adequate means and procedures for offering protection to witnesses who testify before it or its committees;

(d) The widely held view by a large number of people in KwaZulu and neighbouring areas that the KwaZulu Police are a private army of the Inkatha Freedom Party is a matter of great concern in relation to the curbing of violence in those areas. No less disturbing is the evidence that has been

given concerning unlawful activities by senior members of the KwaZulu Police. As some of these allegations are at present under investigation by a committee of the Commission, it would not be proper to comment further on this matter at the present time. Criminal charges are at present being investigated by the Commissioner of the KwaZulu Police in consequence of evidence placed before the committee about the false identity given to a member of that police force;

(e) Recent activities by members of Umkontho we Sizwe are a matter for concern. It is significant in this regard that a Transvaal leader of that organization admitted to a committee of the Commission that it was unable to control all its members;

(f) Organizations whose members are responsible for violence have a heavy responsibility to control and impose discipline upon their members. This applies no less to the South African Defence Force and Police than to the African National Congress and the Inkatha Freedom Party. All of those organizations should establish committees to be responsible for immediately investigating and reporting to the Peace Committee and the Commission on allegations of public violence;

(g) Hostels are common to most of the worst areas of violence. All hostels should immediately be adequately and securely fenced. A strong and efficient police presence should ensure that no arms are taken in or out of hostels. It should also be in a position to protect all hostel dwellers from external attack;

(h) The Commission is convinced that the carrying of any dangerous weapons in public should be outlawed - whether in respect of political meetings or at any other place. In Natal, it is predominantly members of the Inkatha Freedom Party who insist on this unacceptable practice. Other Zulu men do not find it necessary to do so, either for cultural or any other reasons. The Commission finds it quite unacceptable that even the limited ban on the carrying of weapons to political meetings has been ignored by the Inkatha Freedom Party on at least one occasion during a march through the streets of Johannesburg. This public flouting of the law in the presence of a large South African Police presence is unfortunate and should not be allowed to occur again in the future. Steps should be taken urgently to prohibit the carrying in public of any dangerous weapons at any time at all. This constitutes provocative and unacceptable behaviour in any decent society. It is calculated, furthermore, to create a climate of violence.

13. The Commission can assure you that all information received by it has already been publicly investigated or is the subject of current public inquiry. In the result, no information has been received by the Commission that could enable it to make any findings relating to a systematic or nationally organized campaign of violence. It is a cause for comment that, notwithstanding the absence of evidence, political leaders, especially in the African National Congress and Inkatha Freedom Party, have frequently made wide-ranging allegations placing the blame for violence on other political

parties and on the State security forces. The violence is an ongoing phenomenon. If and when evidence is placed before the Commission it will be thoroughly and publicly investigated. Unless and until that is done the Commission can only deprecate allegations that are calculated to exacerbate the climate of violence.